

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JOANN RIDDLE,

Civil Action File No.

Plaintiff,

v.

WAL-MART STORES, EAST, LP,

Defendant.

_____ /

NOTICE OF REMOVAL

COMES NOW WAL-MART STORES EAST, LP, named Defendant in the above-captioned matter, by and through its counsel of record, within the time prescribed by law, and files this Notice of Removal, showing the Court as follows:

1.

The above-named Plaintiff filed suit against Defendant WAL-MART STORES EAST, LP in the State Court of DEKALB County, Georgia, which is within the ATLANTA Division of this Court. 28 U.S.C.A. § 90 (a)(2). Said lawsuit is styled as above and is numbered as Civil Action File No. 21A01024. Plaintiff's claims against Defendant includes claims of negligence.

2.

Plaintiff filed the Complaint on or about February 26, 2021. Defendant WAL-MART STORES EAST, LP received service of summons and a copy of the Complaint

on March 3, 2021. Defendant WAL-MART STORES EAST, LP files this notice of Removal within thirty (30) days after service of summons and a copy of this Complaint.

3.

Defendant WAL-MART STORES EAST, LP is a Delaware limited partnership, of which WSE Management, LLC is the only general partner, and WSE Investment, LLC is the only limited partner. The sole member of WSE Management, LLC and of WSE Investment, LLC is Wal-Mart Stores East, LLC, and the sole member of Wal-Mart Stores East, LLC is Walmart Inc. Walmart Inc. is a Delaware corporation with its principal place of business in the State of Arkansas, and it was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of this lawsuit or at any time thereafter. The principal place of business for all entities mentioned in this paragraph is 708 SW 8th Street, Bentonville, AR 72716.

4.

Joann Riddle is a citizen of the State of Georgia.

5.

Complete diversity of citizenship exists between Plaintiff and Defendant.

6.

Plaintiff claims injuries to her left wrist, left hip, low back and neck, including

a central 2 mm disc protrusion at C4/5, broad-based 2 mm disc protrusion at C5/6 with severe neural foraminal stenosis, moderate left-greater than right neural foraminal narrowing at C6/7, straightening of the cervical lordosis, 3 mm concentric bilobed protrusion and facet hypertrophy at L4/5 with central canal and foraminal stenosis, 2 mm bilobed protrusion at L2/3 and 1 mm central disc protrusion at L1/2, dorsal contusion and micro fracturing of distal dorsal radial diametaphysis, dorsal capsulitis and soft tissue contusion and sprain and marked remodeling of the 1st carpo-metacarpal joint with radial subluxation of the first metacarpal, aggravation of a prior serious back injury, possible post-traumatic brain injury, possible loss of memory and concentration, loss of coordination, changes in disposition, sensitivity to slurred speech and physical and cognitive impairments, excruciating pain, pain and suffering, past medical expenses of \$21,211.09, future medical expenses, a 24% impairment rating, mental and physical pain and suffering and emotional distress “in an amount to be determined by the enlightened conscience of the jury”, and seeks punitive damages (see complaint paragraphs 21 - 26). The amount in controversy, exclusive of interest and costs, exceeds \$75,000.

7.

This action is removable pursuant to 28 U.S.C. §§ 1332, 1441, based on complete diversity of citizenship between Plaintiff and Defendant.

8.

Pursuant to the provisions of 28 U.S.C. § 1446, Defendant has attached as Exhibit "A" copies of all the pleadings that were provided to and served upon Defendant, including copies of all pleadings that have been filed to date in the State Court of DEKALB County, Georgia for the above-styled case.

9.

Pursuant to 28 U.S.C. § 1446, Defendant is not required to file a removal bond.

10.

Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C. § 1446.

11.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the State Court of DEKALB County, Georgia, as required by 28 U.S.C. § 1446.

WHEREFORE, Defendant WAL-MART STORES EAST, LP prays that the above-captioned lawsuit be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

McLAIN & MERRITT, P.C.

/s/ Howard M. Lessinger

Howard M. Lessinger

Georgia State Bar No. 447088

/s/ Jennie Rogers

Jennie Rogers

Georgia Bar No. 612725

Attorneys for Defendant

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The undersigned counsel certifies that the foregoing Notice of Removal has been prepared with one of the font and point selections approved by the court in LR 5.1B.

/s/ Howard M. Lessinger

Howard M. Lessinger

CERTIFICATE OF SERVICE

This is to certify that on March 12, 2021, I electronically filed a **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to attorneys of record.

McLAIN & MERRITT, P.C.

/s/ Howard M. Lessinger
Howard M. Lessinger
Georgia State Bar No. 447088
Attorneys for Defendant
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